DETAILED ACTION

Response to Amendment

1.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action, presented in the After-Final Amendment filed 5-14-09, when taken

together with the cancellation of all rejected claims, is persuasive, and therefore the

finality of that action is withdrawn.

2.   Claims 2 and 4-8 are pending and have been examined.

EXAMINER'S AMENDMENT

3.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview

with Brian Myers, Reg. No. 46947, on 5-28-09.

        The application has been amended as follows:

IN THE CLAIMS:

Please amend claims 2, 4, and 6 as follows:

2.   A <u>computer based</u> method of selecting data for use in decoding an embedded watermark in compressed multimedia data, comprising:

calculating a quality metric for a given part of the compressed multimedia data, based on the degree of compression of the multimedia data;

• including in a watermark decoding process, the given part, if its quality metric is higher than a certain threshold, and;

• excluding from the watermark decoding process, the given part, if its quality metric is lower than the threshold,

• wherein the method additionally includes using the same quality metric to select data to use in a scale-detection process performed before the watermark decoding process.

4.   A <u>computer</u> <u>based</u> method of selecting data for use in decoding an embedded watermark in compressed multimedia data, comprising:

       • calculating a quality metric for a given part of the compressed multimedia data, based on the degree of compression of the multimedia data;

       • including in a watermark decoding process, the given part, if its quality metric is higher than a certain threshold, and;

       • excluding from the watermark decoding process, the given part, if its quality metric is lower than the threshold,

       wherein the quality metric is calculated on the basis of one of the following parameters associated with the compressed data stream: Quantisation factors; the number of Variable Length Codewords (VLCs) used to code a data frame; Motion Vectors.

6.   A <u>computer based</u> method of selecting data for use in decoding an embedded

watermark in compressed multimedia data, comprising:

        • calculating a quality metric for a given part of the compressed multimedia data,

based on the degree of compression of the multimedia data;

        • including in a watermark decoding process, the given part, if its quality metric is

higher than a certain threshold, and;

        • excluding from the watermark decoding process, the given part, if its quality

metric is lower than the threshold,

        wherein the quality metric is calculated on the basis of an analysis of base-band

data.

Priority

4.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Allowable Subject Matter

5.   Claims 2 and 4-8 are allowed.

6.   The following is an examiner's statement of reasons for allowance:

        The closest prior art in the field does not teach the combination of features of the

claimed inventions, particularly including the Applicant's steps of selecting data to be

used in decoding a watermark in compressed data, comprising; calculation of a quality

metric for a portion of the compressed data where the metric is based on the degree of

compression, and determining whether to use the portion of the compressed data if the

quality metric is above a predetermined threshold value. The novel and unobvious steps

in the Applicant's claimed invention include the method used to calculate the quality

metric, and the use of the quality metric in additional data processing steps prior to

decoding.

        Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-

3869. The examiner can normally be reached on M-F from 9 to 5.

        If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is: (571)

273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/
Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437